



DELEGATED APPLICATIONS - ASSESSMENT SHEET

APPLICATION NO./ADDRESS:

S106/26/0013

Phase 1, Mowbray Development Site, Old Holbrook, Horsham, West Sussex

DESCRIPTION:

Details pursuant to Schedule 3, Part 2, paragraphs 4-9 (Affordable Housing Delivery Scheme) of the legal agreement (ref DC/16/1677) for Reserved Matters Area 4 within Phase 1 of the Mowbray Development Site

RELEVANT PLANNING HISTORY:

DC/16/1677	Outline planning application with all matters reserved except access for a mixed use strategic development to include housing (up to 2,750 dwellings), business park (up to 46,450 m2), retail, community centre, leisure facilities, education facilities, public open space, landscaping and related infrastructure	Application Permitted on 01.03.2018
DC/19/0984	Non material amendments to approved application DC/16/1677 (the North Horsham Development site) for amendments to the wording of conditions 5,7,8,9,11,12,13,14,16,17,18,19,22,28, 31 & 54 and the introduction of a new condition to enable the Principal Access Works to come forward.	Application Permitted on 12.06.2019
DC/21/0181	Non Material Amendment to condition 2 of DC/16/1677 (Outline planning permission for Land North of Horsham strategic site) to amend all parameter plans.	Application Permitted 12.03.2021

RELEVANT PLANNING POLICIES

The National Planning Policy Framework (NPPF):

Horsham District Planning Framework (HDPF 2015)

Policy 1 - Strategic Policy: Sustainable Development

Policy SD1: Strategic Policy: Land North of Horsham

Policy 32 – Strategic Policy: The Quality of New Development

Policy 33 – Development Principles

Neighbourhood Plan:

The Mowbray site covers the parishes of North Horsham and Rusper. North Horsham Parish has withdrawn its neighbourhood plan designation.

Rusper Parish Neighbourhood Plan has been through examination and has been approved through a referendum. The relevant policies are as follows:

- Policy RUS1: Spatial Plan

REPRESENTATIONS AND CONSULTATIONS RESPONSES

Where consultation responses have been summarised, it should be noted that Officers have had consideration of the full comments received, which are available to view on the public file at www.horsham.gov.uk

Consultations:

None received.

Parish Comments:

North Horsham Parish: No objection.

Representations:

None received

HUMAN RIGHTS

The application has been considered having regard to Article 1 of the First Protocol of the Human Rights Act 1998, which sets out a person's rights to the peaceful enjoyment of property and Article 8 of the same Act, which sets out their rights in respect to private and family life and for the home. Officers consider that the proposal would not be contrary to the provisions of the above Articles.

The application has also been considered in accordance with Horsham District Council's public sector equality duty, which seeks to prevent unlawful discrimination, to promote equality of opportunity and to foster good relations between people in a diverse community, in accordance with Section 149 of the Equality Act 2010. In this case, the proposal is not anticipated to have any potential impact from an equality perspective.

PLANNING ASSESSMENT

Outline Planning Permission was granted for the for development of the North of Horsham site (now known as the Mowbray Development Site) in March 2018.

Clauses 4-9 of Part 2 of Schedule 3 of the legal agreement sets out the obligations in relation to the Affordable Housing Delivery Scheme (AHDS). Clauses 4-5 set out that prior to the submission of the first Reserved Matters Application ("RMA") in relation to any Reserved Matters Area ("RM Area") which includes housing units within the Liberty Land the Owners of the respective RM Area shall submit to and obtain the approval of the District Council to an AHDS for the relevant RM Area.

Clause 6-7 of Part 2 of Schedule 3 allows for amendment of the initially approved AHDS for each RM Area at any time, with no more than one amendment every twelve months.

This submission is an Affordable Housing Delivery Scheme (AHDS) in relation to RM Area 4 within Phase 1 in accordance with the requirements of Clauses 4-9. The requirements of the AHDS is set out in the definitions of the Affordable Housing schedule and are as follows:

"means a written scheme to be submitted to the District Council for approval setting out the following in relation to the Affordable Housing Units to be provided within a Reserved Matters Area to which the scheme relates or in a Linked Reserved Matters Area

- (a) details of the tenure, types (whether flats, houses, maisonettes or otherwise), size and number of Affordable Housing Units
- (b) for any Affordable Housing Units where an Affordable Housing Provider may, will or it is intended will own, have an interest in or manage the Affordable Housing Unit(s): confirming and demonstrating compliance with Clustering Requirements
- (c) locations of the Affordable Housing Units and whether they will be located either
 - (i) within the Reserved Matters Area for which Reserved Matters Approvals are sought such that a mix of Affordable Housing Units and Market Units will be achieved within that Reserved Matters Area or
 - (ii) as part of a Linked Reserved Matters Area whether the Housing Units within such Linked Reserved Matters Area are comprised solely of Affordable Housing Units (subject to Clustering Requirements) or a mix of Affordable Housing Units and Market Units AND it being recognised that the Linked Reserved Matters Area (subject to Clustering Requirements) may take all of the Affordable Housing Unit requirement for a Primary Reserved Matters Area or may take only part of the requirement with the balance being provided within the Primary Reserved Matters Area as provided for in sub point c (i) above

In the case of sub-point c(ii) applying the Affordable Housing Delivery Scheme shall demonstrate what arrangements are proposed that will secure the relevant percentage of Affordable Housing Units on the Linked Reserved Matters Area by the occupational restriction timescales set out in paragraph 16 of Part 2 of this Schedule AND where the Affordable Housing Delivery Scheme is being submitted in relation to a Linked Reserved Matters Area it shall specify which is the relevant Primary Reserved Matters Area for which some or all of the Affordable Housing Units are being provided

- (d) details of tenures of the Affordable Housing Units within the Reserved Matters Area and how that proposed mix of tenures ensures delivery of the relevant Liberty Phase Tenure Mix AND where the proposed tenures specified in the Affordable Housing Delivery Scheme do not reflect the Liberty Phase Tenure Mix then demonstrating how the remaining Reserved Matters Areas within the Liberty Land for which Affordable Housing Delivery Schemes have yet to be approved will deliver

a rebalancing to ensure the required Liberty Phase Tenure Mix is achieved by the time the last Affordable Housing Delivery Scheme for Liberty Land within the Phase is submitted for approval

- (e) the annual trajectory as at the date of submission of the Affordable Housing Delivery Scheme of the number of completed Affordable Housing Units versus completed Market Units represented in terms of actual numbers and as percentages of the number of Housing Units for the Liberty Land within the relevant Phase as at the date of submission of the Affordable Housing Delivery Scheme, together with a three year rolling average of these figures for the Liberty Land within the relevant Phase
- (f) details confirming the overall number of Affordable Housing Units completed within the Phase on Liberty Land as at the date of submission of the Affordable Housing Delivery Scheme and the overall number of units of each tenure being Affordable Rent Housing Units, Shared Ownership Units and Discount Market Units
- (g) details confirming the annual trajectory of the number of completed Affordable Housing Units as at the date of submission of the Affordable Housing Delivery Scheme by way of individual tenure types and in total for reporting purposes in that year represented in terms of percentages (percentages being the number of each tenure type of the Affordable Housing Units being a percentage of the number of Housing Units) for the Phase on Liberty Land as at the date of submission of the Affordable Housing Delivery Scheme, together with confirmation of the total completed Affordable Housing Units by way of individual tenure types for reporting purposes for the Phase on Liberty Land represented in terms of percentages and also supplying a three year rolling average for the Liberty Land within the relevant Phase of the percentage of each of the three tenures of Affordable Housing Units referred to in this sub-point
- (h) in relation to Liberty Land within Phase 2 and Phase 3: identifying Donor Land demonstrating there is sufficient Donor Land available and identifying the location of such Donor Land which could be utilised in the event the Donor Arrangements in Part 3 of this Schedule result in such land being used for the provision of Affordable Housing Units to compensate for and transfer the Affordable Housing requirements that would apply to the Constrained TP Land Areas but which cannot due to Clustering Requirements be fulfilled on the Constrained TP Land Areas
- (i) confirming the applicable Liberty Phase Tenure Mix for the Liberty Land within the relevant Phase or for the Third Party Land and the applicable percentage of Affordable Housing Units to be provided (as set out in Part 1 of this Schedule)
- (j) demonstrating compliance with the RM Parcel Plan

- (k) identifying those Market Units within the Reserved Matters Area which could instead be provided as Affordable Housing Units in the event that the outcome of any Viability Reassessment (that is undertaken before all Market Units are sold or Occupied) is a Viability Sum and an Alternative Affordable Proposal that results in an increase of the percentage of Affordable Housing Units to be provided
- (l) details of how the Affordable Housing provision, within the Reserved Matters Area to which the Affordable Housing Delivery Scheme relates, accords with the Baseline Mix for the Liberty Land within the Development (excluding the Donor Land) (acknowledging each Reserved Matters Area does not individually have to comply exactly with the Baseline Mix) and confirming how the proposed mix for the Reserved Matters Area seeks to help achieve the overall requirement for the Liberty Land within the Development (excluding the Donor Land) to comply exactly with the Baseline Mix and also confirm progress to date to achieving such compliance."

Phase 1 Affordable Housing Requirements:

The Liberty Land within Phase 1 is required to deliver 12.6% affordable housing. This is required under the definition of Liberty Land Tenure Mix to comprise 6.9% affordable rented units and 5.7% shared ownership units. No discount market units are required in Phase 1. Further, no Donor Land is required in Phase 1 and therefore part (h) of the definition of AHDS in the s.106 does not apply. L&G are now the master developer for the site.

This submission relates to the delivery of RM Area 4 and sets out how the proposals for this RM Area accords with the AHDS requirements set out within the s.106. Further versions of an AHDS will be submitted as further RM Areas are progressed.

The site wide requirements for affordable housing for the Mowbray Development site, as set out in the S106, are as follows:

Schedule	Obligation	Summary of Requirement
3:1	Affordable Housing Site Wide Requirements	To achieve 21.6% Affordable Housing on Liberty Land across the development and in each Phase as follows: - Phase 1: 12.6% - Phase 2: 21.1% - Phase 3: 35.6% Baseline AH Mix to be delivered on Liberty Land (where practicable reflected in each RM Area): 1 bed apartments: 13.3% 2 bed apartments: 25% 2 bed houses: 39.7% 3 bed houses: 14.3% 4 bed houses: 6.9% 5 bed houses: 0.8%
3:2	Affordable Housing Delivery on Liberty Land	<i>Provision of Affordable Housing Units/Liberty Tenure Mix:</i> The Owners shall provide the AH as follows: in accordance with the Liberty Phase Tenure Mix: <i>Site-wide</i> (AR 12.7%; SO 5.3%; Discount Market 3.6%) <i>Phase 1</i> (AR 6.9%; SO 5.7%; Discount Market 0%) <i>Phase 2</i> (AR 14.4%; SO 0.3%; Discount Market 6.4%) <i>Phase 3</i> (AR 19.5%; SO 10.6%; Discount Market 5.5%)

Affordable Housing Accommodation Schedule:

RM Area 4 will deliver 82 dwellings with 10 affordable homes (12.2%).

Part (a) of the AHDS definition requires details of the tenure, types (whether flats, houses, maisonettes or otherwise), size and number of Affordable Housing Units. The following table sets out the proposed affordable housing accommodation as required by part (a) for RM Area 4.

Table 2: Affordable Housing Accommodation Schedule

Tenure, Size & Type	Number
Shared Ownership Units	
2B House	4
Affordable Rent Units	
1B Maisonette	1
2B Maisonette	3
3B House	1
4B House	1
Total	10

Part (c) of the definition of AHDS requires details of the locations of Affordable Housing Units. This requires confirmation of whether Affordable Housing Units will be located (i) within the RM Area for which RM approvals are sought; or (ii) as part of a Linked Reserved Matters Area. The 10 affordable housing units are all shown in a cluster to the western side of the site. This is considered acceptable.

Part (j) of the definition of AHDS in the S106 requires demonstration of compliance with the RM Parcel Plan. The original RM Parcel Plan was submitted to the Council by the Owners and approved on 14th July 2020. This has since been subject to changes. The most recent revision was approved on 9th April 2024. The current reserved matters submission will be for RM Area 4 and conforms with the area identified on the approved revised RM Parcel Plan.

Part (d) of the definition of AHDS requires details of tenures of the Affordable Housing Units within the Reserved Matters Area and how that proposed mix of tenures ensures delivery of the relevant Liberty Phase Tenure Mix. Part (i) requires confirmation of the applicable Liberty Phase Tenure Mix relevant to that Phase.

The Liberty Phase Tenure Mix for Phase 1 is for 12.6% affordable housing with 6.9% Affordable Rent and 5.7% Shared Ownership. The proposed scheme for RM Area 4 would deliver 12.2% affordable with 7.32% Affordable Rent and 4.88% Shared Ownership. The proportion of each tenure broadly reflects the Liberty Phase Tenure Mix as the S106 requires 55:45 while RM Area 4 proposes 60:40. Therefore there is very little deviation from the approved Liberty Phase Tenure Mix.

Part (l) of the definition of AHDS in the S106 requires details of how the Affordable Housing provision, within the RM Area to which the AHDS relates, accords with the Baseline Mix for the Liberty Land within the Development (excluding the Donor Land) and confirming how the proposed mix for the RM Area seeks to help achieve the overall requirement for the Liberty Land within the Development (excluding the Donor Land) to comply exactly with the Baseline Mix. It also requires confirmation of progress to date to in achieving such compliance. It is acknowledged that each RM Area does not individually need to comply exactly with the Baseline Mix, provided Phase 1 complies overall.

RM Area 4 broadly achieves the principles of the Baseline Mix for Phase 1. Compliance with the Baseline Mix is outlined in the below table:

Table 5: S106 Baseline Mix Compliance

Tenure, Size & Type	Number	%	S106 %	Difference (%)
1B Apartment	1	10	13.3	-3.3
2B Apartment	3	30	25	+5.0

Tenure, Size & Type	Number	%	S106 %	Difference (%)
2B House	4	40	39.7	+0.3
3B House	1	10	14.3	-4.3
4B House	1	10	6.9	+3.1
5B House	0	0	0.8	-0.8
Total	10			

The submitted AHDS states that the S106 does not require each RM Area to provide the Baseline Mix equally in each RM Area, provided Phase 1 overall complies. It is intended that future RM Areas within Phase 1 would ensure that the Baseline Mix is broadly achieved overall in Phase 1. This is considered appropriate.

Part (k) of the definition of AHDS requires identification of market units within an RM Area which could be provided as affordable housing units depending on the outcome of a Viability Assessment.

The first Viability Reassessment was submitted to the Council on 22 March 2021 and approved on 8 March 2022 (LPA ref. S106/21/0005). No Surplus was identified. As such, paragraph 11.5 of Part 7 of Schedule 3 of the S106 relating to Alternative Affordable Proposal is not engaged.

In summary, the proposals for RM Area 4 are as follows:

- The proposal deliver 82 new homes including 10 Affordable Housing Units as required by the S106, and 72 Market Units. This represents 12.2% Affordable Housing Unit provision in accordance with the quantum of Affordable Housing provision.
- The 10 S106 Affordable Units will be contained within a single cluster within the central-western area of the RM Area.
- The proposals accord with the approved RM Parcel Plan.
- The proposed tenure split broadly aligns with the approved Liberty Phase Tenure Mix.
- The baseline mix of units within RM Area 4 broadly accords with the baseline mix set out in the S106. Given the number of dwellings the Site provides, this is as close to accordance with the baseline mix as possible and reflects the priority for two-bed properties while ensuring a sufficient mix is provided.
- The trajectory anticipates delivery of the development between 2021 and 2036. The trajectory will be updated upon submission of each AHDS for each RM Area.

Overall, the submitted Affordable Housing Delivery Scheme for RM Area 4 is considered acceptable and in accordance with the requirements of Clauses 4-5, Part 2 of Schedule 3 of the S106 attached to DC/16/1677.

Recommendation: Application Permitted

NOTE TO APPLICANT

POSITIVE AND PROACTIVE STATEMENT

Statement pursuant to Article 35 of the Town and Country Planning (Development Management Procedure) (England) Order 2015. The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received, in order to be able to, where possible, grant permission.

Plans list for: S106/26/0013

(The approved plans will form Condition 1 on the Decision Notice of all Permitted applications)

Schedule of plans/documents **approved**:

Plan Type	Description	Drawing Number	Received Date
Supporting Docs	Affordable Housing Delivery Scheme Reserved Matters 4	29152/A5/JT	03.03.2026

DELEGATED

Case Officer sign/initial Jason Hawkes Date: 09.04.2026

Authorising Officer sign/initial Adrian Smith Date: 10/04/2026